

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
DAVID M. GOLDEN, et. al.,)	
Plaintiffs)	
)	
v.)	CIVIL ACTION NO: 04-10835-MEL
)	
COUNTY OF SUFFOLK,)	
Defendant)	
_____)	

**PARTIES' SECOND JOINT MOTION TO EXTEND THE SCHEDULING
ORDER**

Plaintiffs, David M. Golden et al. and Defendant, County of Suffolk hereby jointly move for a 180-day extension of the scheduling order. As grounds for this Motion the parties state as follows:

1. On September 27, 2006, the Court granted an extension of the discovery deadline until February 28, 2007 as the parties required additional time for discovery. Additionally, in late October 2006, representation of the Defendant was transferred to Alison G. Fabella, Esq.
2. This matter involves six plaintiffs and complex legal issues involving allegations of deliberate indifference with respect to the conditions of confinement. Due to the complex nature of the issues involved and the voluminous nature of the documents relating to the six plaintiffs, Attorney Fabella required time in order to familiarize herself with the litigation.

3. Since December 2006, the parties have continued to diligently engage in discovery including interrogatories and the production of documents. Additional interrogatories and discovery requests are being made.
4. The discovery is far more extensive than the parties initially believed and the parties are attempting to resolve discovery issues among themselves. With respect to a few discovery issues, such issues can only be resolved by an extensive and time-consuming investigation by the Defendant which is currently ongoing.
5. As a result, the parties will require additional time to conduct discovery.
6. Currently, the scheduling order calls for the completion of written discovery by February 28, 2007 but the parties do not anticipate that they will be able to complete discovery by that date.
7. This is the second request for an extension of time and will not prejudice either party.
8. Therefore, the parties request a 180-day extension, until August 28, 2007, for discovery to assure completion of discovery within the requested time period.

WHEREFORE, the parties' request that the Court grant an additional 180-day extension of the discovery deadline until August 28, 2007; dispositive motions filed on or before September 30, 2007 and any oppositions due four weeks thereafter, and reply briefs two weeks after response.

Dated: January 26, 2007

Respectfully submitted,

DAVID GOLDEN, et al.

COUNTY OF SUFFOLK,

By their attorneys,

By its attorney,

/s/ Robert H. Tobin, Jr.

Robert H. Tobin (BBO #499425)

Tobin and Tobin, P.C.

735 South Street

Roslindale, MA 02131-1010

/s/ Alison G. Fabella

Alison G. Fabella (BBO #654858)

Suffolk County Sheriff's Department

200 Nashua Street

Boston, MA 02114

Certificate of Counsel Pursuant to Local Rule 7.1

Pursuant to L.R. 7.1(A)(2), I certify that I have conferred in good faith with counsel for the Plaintiffs to resolve or narrow the issues raised in this motion, and that the parties jointly reached the agreement represented above.

/s/ Alison G. Fabella

Alison G. Fabella